

IN THE UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No: 1:23-cv-06996
MDL No. 2570

This Documents Relates to Plaintiff(s):
LATISHA KENNINGTON

Civil Case No. 1:23-cv-06996

**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR LEAVE TO FILE
AMENDED SHORT FORM COMPLAINT**

COMES NOW, Plaintiff Latisha Kennington and files this motion to substitute her surviving father, Stephens Kennington, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Latisha Kennington filed the present action in the United States District Court of the Southern District of Indiana on March 27, 2023.
2. Plaintiff Latisha Kennington died on or about May 2, 2024.
3. On March 4, 2025, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). See Doc. No. 26540. Plaintiff's counsel recently learned of the death of Latisha Kennington after contacting her father.
4. Stephens Kennington, surviving father of Latisha Kennington, is the proper party plaintiff to substitute for Plaintiff-decedent Latisha Kennington and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a

party dies, and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

5. Plaintiff thus moves to substitute Stephens Kennington, as the personal representative of the Estate of Latisha Kennington, deceased, as Plaintiff in the present action.
6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiffs (specifically Stephens Kennington, as personal representatives of the Estate of Latisha Kennington, deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Latisha Kennington is now deceased.
7. A proposed First Amended Short Form Complaint is attached hereto as Exhibit A.
8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Stephens Kennington as the personal representative of the Estate of Latisha Kennington, deceased, as Party Plaintiff for Latisha Kennington; (2) the Court grant leave to file the attached First Amended Short Form Complaint; Case 1:23-cv-06996 and (3) the Court deem the attached First Amended Short Form Complaint filed instanter. A proposed Order is attached hereto as Exhibit B.

Date: March 4, 2025.

Johnson Law Group

/s/Basil Adham

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2025, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/Basil Adham _____